

NOTE:

During the January 30, 2008 Public Forum, participants were asked to give written responses to 3 questions:

1. What do you like in the draft Streamside Protection Ordinance?
2. What improvements do you recommend be made to the draft ordinance?
3. What are the next steps?

The following document, prepared by the Madison Valley Growth Solutions facilitator, lists all of the responses made to each question.

Streamside Protection for All: Filling the Loophole

A Public Forum

January 30, 2008

Participant Responses

1. What do you like in the draft Streamside Protection Ordinance?

- An attempt to across the board protect our natural resources for all residents in the valley
- I like the idea of keeping the river pristine
- I like that this draft equalizes the application of river setback rules to all properties that are now vacant.
- Keep the river pristine-clean; 500 feet back
- Closing the loop and the purpose
- It protects the river, a public resource that belongs to all the people of Montana.
- Basic concept
- The purposes
- I like the fact that the river water quality and keeping it pristine is being addressed
- #1 Recognize public values of rivers and streams in the water dependant fish and wildlife
- Intent of the proposed ordinance
- Keep river protected
- I like that people are thinking about preserving the unique beauty of this valley.
- It is long—I haven't read it yet; protect the river.
- Everything, treat everyone the same
- I believe it is important to apply protection rules to all lands along the river (uniformity)
- Making all regulations consistent for all properties
- Community commitment to standards of protection
- I like keeping setbacks as high as possible, mainly ecology
- I like 500 foot setback standard
- I like preserving river habitat for wildlife
- 3. continue 500 ft. setback for all
- Streamside protection and environmental protection
- That it is a draft and open to input, discussion, improvement
- The opportunity for public input
- You have made it public

2. What improvements do you recommend be made to the draft ordinance?

- Work in a vegetative buffer
- Take into consideration snow birds' property needs too
- Out of state owners on the river need to be notified
- Since this deals with land use why isn't this being dealt with by zoning? Just because the Big Hole was done by ordinance doesn't necessarily make the ordinance process right
- Consider utilizing a citizen based board or committee to deal with appeals rather than a county government based board
- Consider reviewing bluff setbacks based on drainage of septic field, etc.
- Explore land parcel options

- Consider the effect that the drought is having on ephemeral /intermittent status
- Add buildings under construction (actively) to exemption
- Setbacks on small streams should be less
- Definitions on setback altered
- Clarify what penalties are for nonconformance
- Clarify nonconformance issues
- Clarify nonconformities
- Clarify the nonconformance section /variance procedure for loss of home
- Clarify second sentence of Section 10 re. nonconformances—all phrases modified by “established by previous subdivision review agreements.” First of all, what does that mean? Does it apply to building permits, envelopes and setback boundaries?
- Nonconforming should be permanently grandfathered.
- Nonconformities need to be permanent.
- Nonconformities need to be more accurately defined.
- Protect rights and land values of current and owners in the event of current construction or in the event an existing structure is destroyed.
- No variance for illegally constructed building; otherwise penalty is just cost of being next to river.
- Variance process too discretionary.
- Variance process needs definition.
- Establish what would be used as conditions of approval for any variance
- I'm worried that the variance will be exploited by developers with good lawyers. It should be tightened.
- Grandfathering rules based on length of ownership of property (over 10 years for example). New subdivision owners required to follow new rules.
- Grandfathering allows definite rebuilding, not variance in case of fire, etc.
- Allow destroyed structures to be rebuilt in existing permit.
- Employ an ecologist; cannot improve or expand grand fathered parcels.
- Include more science and GIS generated data for support. Do homework
- People are concerned about their houses, not about the land, the river, keeping the river clean.
- No new rules; do not take property rights away from property owners!!! No takings!
- (1) No to this ordinance; (2) I like that it is printed on paper so it can burn; (3) Shut down this proposal
- Make clear that the resolution is NOT a taking.
- There should be a provision for compensation for those who lose the value of their property
- Another forum but put to County Commissioner by August 1.
- The people that have voiced concerns are showing how self-centered they are about their homes. It's the I-me again.

3. What are the next steps?

- Revise and then another community forum
- Another community forum...more public education about the importance of setbacks
- More community forums to review changes that are made to the proposal to get as close to agreement as possible

- Have another/follow-up forum
 - Another forum
 - Set up a series of roundtable discussions in each community
 - Another public hearing, perhaps with more answers on variances
 - Another forum—Bring in some experts to testify what could happen if something isn't done to preserve the beauty of this area.
 - Tabulate the work of this gathering and conduct another forum with an emphasis on small group feedback with a planner in each small group
 - Detailed public hearing process and community buy-in
 - Develop citizen committees to work on several established issues.
 - Establish citizen committee to address comments, produce a 2nd draft for public review.
 - Make amendments before next public meeting.
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- Continue with what you have started. Be firm.
 - Give the planning folks a break! They are doing their best.
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- Note what some owners currently contribute to cleaning up the river and improving the property.
 - Notify all out of state river front property owners.
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- Run computer model or have ecologist project what will happen to Madison River without protection
 - Hire an ecologist (prove commitment)
 - Do a comprehensive study of which parcels and how many are affected in the area of proposal.
 - Provide empirical data to support ordinance
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- Slow process down—let everyone study ramifications
 - A slow, deliberate legally defensive process
 - Delay process until Jun '08. Slow down!
 - Define date county com. Will decide in favor or not in favor of regulations by extending the date from 6/6/08 to 9/08.
 - Decision by August 1
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- Include Big Sky and Moonlight in the jurisdictional area
 - Reconsider not plugging the loophole